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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/816,333

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EXAMINER

LA, ANH V

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/816,333	Applicant(s) PETITE ET AL.	
	Examiner Anh V La	Art Unit 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,10-21 and 23-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,10-21 and 23-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/01/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claim 14 is objected to because in claim 14, lines 1-2, the phrase "the buzzer control" should be changed to - the sound control- . Claim 31 is objected to because the phrase "the improvement" in line 1 should be canceled.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-4, 10, 13-16, 26-37, 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Masone.

Regarding claims 1, 26-27, Masone discloses a severe weather alert system/method comprising a severe weather detector, a radio frequency (RF) transmitter to receive a signal from the detector and transmit a corresponding signal via RF electromagnetic waves (abstract, column 4, lines 50-68, col. 5, lines 25-65), a

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smoke detector 12 having an RF receiver 24, a discriminator circuitry within the smoke detector configured to determine whether the received RF signal is destined for the smoke detector and circuitry responsive to the discriminator circuitry to control a sound emanating device to emit a unique sound to indicate a severe weather condition (figure 1, col. 5, line 35-col. 6, line 67).

Regarding claim 31, Masone discloses a smoke detector comprising an integrated radio frequency receiver for receiving message packets containing information that is conveyed through a sound emanating device associated with the smoke detector (abstract, fig. 1, col. 5, lines 20-65, col. 6, lines 1-67).

Regarding claim 32, Masone discloses a smoke detector comprising an RF receiver 24, encoded information (col. 5, lines 20-65, col. 6, lines 1-67), a sound emanating device 38, and sound control means 40.

Regarding claim 2, Masone discloses a meteorological weather center (col. 5, lines 20-50).

Regarding claim 3, Masone clearly discloses a human to control the operation of the weather detector.

Regarding claim 4, Masone clearly discloses a weather gauge to detect the weather.

Regarding claim 10, Masone clearly discloses the discriminator circuitry being configured to verify that an address associated with the received RF signal is a preconfigured address associated with the smoke detector (col. 5, line 35- col. 6, line 67).

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Regarding claim 13, Masone clearly discloses a sound control mechanism 40.

Regarding claim 14, Masone clearly discloses the sound control mechanism controlling the emanating device to emit a sound that is distinct from the sound emitted from the smoke detector when signaling a smoke detector (abstract, col. 5, line 35- col. 6, line 67).

Regarding claim 15, Masone clearly discloses a second sound emanating device 14 (fig. 1).

Regarding claim 16, Masone clearly discloses a buzzer 14.

Regarding claim 28, Masone clearly discloses the receiver being disposed inside a smoke detector (fig. 1).

Regarding claim 29, Masone clearly discloses the sound control means including circuitry configured to output a signal that is input to the sound control device (col. 5, line 35- col. 6, line 67).

Regarding claim 30, Masone clearly discloses an RF transmitter (fig. 1).

Regarding claim 33, Masone clearly discloses a discriminator circuitry (col. 5, lines 20-65).

Regarding claim 34, Masone clearly discloses a decoder (col. 5, lines 25-65, col. 6, lines 1-67).

Regarding claims 35, 37, Masone clearly discloses the sound control means emitting differing sounds depending upon the contents of the received RF signal (col. 5, line 35- col. 6, line 67).

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Regarding claim 36, Masone clearly discloses the sound control means being responsive to the decoder (col. 5, lines 25-65, col. 6, lines 1-67).

Regarding claim 39, Masone clearly discloses the emanating device being shared with conventional smoke detection circuitry of the smoke detector (fig. 1).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 17-18, 23, 25, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masone.

Regarding claims 17, 38, Masone discloses all the claimed subject matter as set forth above in the rejection of claim 1, and further discloses a buzzer 14, but does not disclose sounding the buzzer in response to receiving the RF signal. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include sounding the buzzer of the smoke detector in response to receiving the RF signal to the system of Masone for the purpose of providing an audible indication.

Regarding claims 18, Masone discloses the step of communicating a signal indicative of a severe weather condition to the RF transmitter (abstract).

Regarding claims 23, Masone discloses the step of sounding the buzzer being performed only if the determining step determines that the received RF signal is destined for the smoke detector (col. 5, line 35- col. 6, line 67).

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Regarding claims 25, Masone discloses forecasting a severe weather condition (abstract).

6. Claims 6-8, 11, 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masone in view of McGraw.

Regarding claims 6-8, 11, 20-21, Masone discloses all the claimed subject matter as set forth above in the rejection of claim 1, and further discloses a relay 44 (col. 6, lines 25-43), but does not disclose a wide area computer network (claims 6, 21), a cellular link (claims 7, 20), and RF link (claim 8), an RF transmitter functioning as a relay (claim 11). McGraw teaches an RF transmitter being in communication with a weather detector via a wide area computer network, a cellular link, and RF link, an RF transmitter 90 functioning as a relay (figures 1-2, col. 4, lines 45-55, col. 5, lines 40-56). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the RF transmitter being in communication with a weather detector via a wide area computer network, a cellular link, RF link, and an RF transmitter function as a relay to the system of Masone as taught by McGraw for the purpose of effectively wireless communication.

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masone in view of Weiss.

Regarding claim 24, Masone discloses all the claimed subject matter as set forth above in the rejection of claim 17, but does not disclose the buzzer to emit a sound

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different than the buzzer emitting when sounding a smoke detector. Weiss teaches a buzzer producing different sounds depending on different situation (col. 14, lines 35-40).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the buzzer to emit a sound different than the buzzer emitting when sounding a smoke detector to the system of Masone as taught by Weiss for the purpose of providing different audible indications for different alarm signals.

8. Claims 5, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masone in view of McGraw and Grube.

Regarding claims 5, 19, Masone discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose the RF transmitter being in communication with the weather detector via a public switched telephone network (PSTN). McGraw teaches an RF transmitter being in communication with a weather detector (figure 1) and Grube teaches the use of a public switched telephone network 16. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the RF transmitter being in communication with the weather detector via a public switched telephone network to the system of Masone as taught by McGraw and Grube for the purpose of effectively remote communication.

9. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Double Patenting

10. Claims 1-8, 10-21, and 23-30 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,747,557. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-24 of U.S. Patent No. 6,747,557 contains all the limitations cited in claims 1-8, 10-21, and 23-30 of the present invention.

11. Claims 31-39 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 11, and 12 of **U.S. Patent No. 6,747,557** in view of Masone. The claims in the U.S. Patent No. 6,747,557 recite all the claimed subject matter as claimed in claims 31-39 of the present invention, but still do not disclose an integrated RF receiver, an RF signal that is encoded to include information about a weather condition, a decoder, the sound emanating device emitting differing sounds. Masone teaches the use of an integrated RF receiver, an RF signal that is encoded to include information about a weather condition, a decoder, a sound emanating device emitting differing sounds (col. 5, line 25- col. 6, line 67). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the claimed invention of U.S. Patent No. 6,747,557 to include an integrated RF receiver, an RF signal that is encoded to include information about a

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weather condition, a decoder, the sound emanating devices emitting differing sounds for the purpose of effectively indicating an alarm condition.

12. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sojdehei teaches an alarm system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V La whose telephone number is (571) 272-2970.

The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ANH V. LA
PRIMARY EXAMINER

Anh V La
Primary Examiner
Art Unit 2636

AI
March 14, 2005